IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8337 OF 2005

Goraknath Yadavrao Kadam. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.S.A. Ingawala for the Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 24, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is in jail since 20th August, 2005 and was arrested by Vita Police Station, Sangli in connection with an offence which is registered vide C.R.No.117/2005 for the offence punishable under Section 302 of the IPC. The chargesheet has been filed on 15th November, 2005. It is alleged that Deceased Shashikant Kadam was last seen in the company of the applicant and the dead body of the deceased was found on the next day

at about 8 a.m. in the morning on the road. There were injuries on the head of the deceased and the pana belonging to the applicant was found near the dead body. It is an admitted position that there was no blood stains on the said pana.

2. Learned APP submitted that the blood stained cloths of the applicant were recovered in this case. Admittedly, there is no eye witness to the said incident and there is no motive for the commission of the crime. Further, it is also admitted that the deceased was under the influence of liquor. Considering these facts and circumstances, in my view, the applicant is entitled to be released on bail as the possibility of accidental death is not ruled out at this stage and the Chemical Analyser’s report is not yet received.

3. The applicant, therefore, be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall report to Vita Police Station, Sangli, twice in a month, in connection with the aforesaid offence.

. The application is allowed in the above terms.

. Parties to act on the authenticated copy of this order.

(V.M. KANADE, J.)